

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/28/09 has been entered.

Status of Claims

2. In applicant's reply filed on 4/28/09, applicant amended claims 1 and 6. Claims 1-6 are pending and under examination in the application.

Response to Amendment

Claim Objections

3. Claims 1 and 6 are objected to because of the following informalities: "information network" (claim 1, line 6; claim 6, line 8) should be changed to "information control network" to be consistent with the remaining claim language. Appropriate corrections are required.

Claim Rejections - 35 USC § 112

4. The prior rejections, with regard to claim 6 under 35 U.S.C. 112, first and second paragraph, are withdrawn. In light of applicant's amendments, a new rejection under 35 U.S.C. 112, second paragraph, follows.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 6 are indefinite because the scope of the claim language with regard to the each analysis unit being provided with power from a power supply through a power switch is unclear. The claim does not clearly recite whether there is one power supply that provides power to all the analysis units or a plurality of power supplies that individually provide power to each analysis unit. Furthermore, the claim does not clearly recite whether there is one switch for all the analysis units.

With regard to the "separation unit" recited in claims 1 and 6, based on the claim language and the originally filed disclosure (p. 7 of the specification), it appears that the "separation unit" performs the same function(s) as the claimed "power switch" and "analysis unit button" because both are capable of changing a particular analysis unit into a power-off mode, which would *separate* the particular analysis unit from the information network. How are these structural features different? Are the "power switch" and "analysis unit button" controlled by the central control device?

As to claims 2-5, the scope of the claim language does not appear to be clear because the claims recite that the central control device, and not the "power switch" or "analysis unit button" switches the power on or off, which appeared to be the features which performed such functions (as recited in claims 1 and 6).

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As to claim 5, it is unclear which feature applicant is referring to when claiming "said display means."

Prior art rejection

7. In light of applicant's amendments, the prior rejection is withdrawn. A new rejection follows.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. **Claims 1-6** are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ohishi et al. ("Ohishi," US 6019945, previously cited).

Ohishi discloses an automatic analyzer comprising:

a conveying unit for conveying a sample (i.e. 20, Fig. 1);

plural analysis units for analyzing the sample conveyed by said conveying line, each of (i.e. 3A, 3B, and 3C, Fig. 1);

an analysis unit button for setting analysis units to an active mode or a power-off enable mode, each of the analysis units being provided with power from a power supply through a power switch (i.e. col. 9, lines 51-67);

a central control device for controlling said conveying unit and said analysis units (i.e. "host control unit," 40, col. 4, lines 32-50; and col. 9, line 43 to col. 10, line 23); and

an information network connecting said central control device and said analysis units, the central control device controlling each of the analysis units through the information control network (i.e. col. 4, lines 32-50; and col. 9, line 43 to col. 10, line 23),

wherein said central control device has a separating unit for separating one of said analysis units from said information network to enable shut off of a power supply of said one of said analysis units while other analysis units are maintained connected to said information network (i.e. column 9, line 43 to column 10, line 23).

In the alternative, with regard to the power switch, it would have been obvious to a person of ordinary skill in the art to modify Ohishi's system by specifically having a power switch because it would be desirable to have a means to easily turn the power on or off for each analysis switch.

In the alternative, with regard to the analysis unit button, it would have been obvious to a person of ordinary skill in the art to modify Ohishi's system by specifically having an analysis unit button because Ohishi discloses have a mode setting screen and it would be desirable to have a means to quickly and easily execute an operation to the analysis units.

In the alternative, with regard to information network, it would have been obvious to a person of ordinary skill in the art to modify Ohishi's system by specifically having an information network because it would provide a quick and efficient means for Ohishi's control unit to communicate with all the analysis units.

Ohishi further discloses an automatic analyzer comprising: a mode setting screen for displaying said conveying unit and said analysis units (column 4, lines 47-50), and for specifying any one of displayed conveying line and a displayed analysis unit to be separated by said central control device from said information network of said central

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control device to shut off a power supply of said conveying unit or said analysis unit.

(i.e. column 9, line 43 to column 10, line 23).

In addition, Ohishi discloses that the mode setting screen repeats an operation for specifying any one of said conveying line and said analysis unit, so that said central control device switches between enabling shutting off of said power supply of said conveying unit or said analysis unit to separate said conveying unit or said analysis unit from said information network, and again turning on said power supply of said conveying unit or said analysis unit to connect said conveying unit or said analysis unit to said information network. (i.e. column 9, line 43 to column 10, line 23).

Also, Ohishi discloses that the central control unit is responsive to said mode setting screen specifying any one of the sections displayed on said display means to thereby perform switching between the separation of the specified section from the control of said central control device and the reconnection thereof to said central control device (i.e. column 9, line 43 to column 10, line 23).

Response to Arguments

13. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LORE JARRETT whose telephone number is (571)272-7420. The examiner can normally be reached on Mon. to Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/LORE JARRETT/
Examiner, Art Unit 1797

10/29/09